

1 BILL NO. R-83-12-08

2 RESOLUTION NO. R-127-83

3 AN AMENDED  
4 RESOLUTION FINDING, DETERMINING  
5 AND RATIFYING AN INDUCEMENT RESOLUTION  
6 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
7 AUTHORIZING THE ISSUANCE AND SALE OF  
8 \$2,500,000.00 ECONOMIC REVENUE BONDS OF THE  
9 CITY OF FORT WAYNE, INDIANA,  
10 FOR THE PURPOSE OF INDUCING THE APPLICANT,  
11 FORT WAYNE ORTHOPAEDICS P.C. OR ITS ASSIGNS  
12 TO PROCEED WITH THE ACQUISITION  
13 CONSTRUCTION AND EQUIPPING OF THE PROJECT.

14 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer") is  
15 authorized by I.C. Sec. 36-7-12 (the "Act") to issue revenue  
16 bonds for the financing of economic development facilities, the  
17 funds from said financing to be used for the acquisition,  
18 construction and equipping of said facilities, and said facili-  
19 ties to be either sold or leased to another person or directly  
20 owned by another person; and

21 WHEREAS, Fort Wayne Orthopaedics P.C. or Its Assigns (the  
22 "Applicant") has advised the Fort Wayne Economic Development  
23 Commission and the Issuer that it proposes that the Issuer  
24 acquire and equip an economic development facility and sell  
25 and/or lease the same to the Applicant or loan proceeds of an  
26 economic development financing to the Applicant for the same,  
27 said economic development facility to be purchase of real  
28 estate and construction of a medical office facility at the  
29 southwest corner of Lafayette and Superior Streets in Fort  
30 Wayne, Indiana, including costs of issuance (the "Project"); and

31 WHEREAS, the diversification of industry and an increase in  
32 4 jobs initially and 7 jobs within three years to be achieved by  
33 acquisition and construction and equipping of the Project will  
34 be of public benefit to the health, safety and general welfare  
35 of the Issuer and its citizens; and

36 WHEREAS, having received the advice of the Fort Wayne  
37 Economic Development Commission, it would appear that the



1 financing of the Project would be of public benefit to the  
2 health, safety and general welfare of the Issuer and its  
3 citizens; and

4 WHEREAS, the acquisition and construction of the faci-  
5 lity will not have an adverse effect on any similar facility  
6 already constructed or operating in or about Fort Wayne,  
7 Indiana.

8 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
9 THE CITY OF FORT WAYNE, INDIANA:

10 SECTION 1. The Common Council finds, determines, rati-  
11 fies and confirms the promotion of diversification of economic  
12 development and job opportunities in and near Fort Wayne,  
13 Indiana and in Allen County, is desirable to preserve the  
14 health, safety and general welfare of the citizens of the  
15 Issuer; and that it is in the public interest that Fort Wayne  
16 Economic Development Commission and said Issuer take such action  
17 as it lawfully may to encourage diversification of industry and  
18 promotion of job opportunities in and near said Issuer.

19 SECTION 2. The Economic Development Commission in  
20 recommending the project, found specifically that the project  
21 will not have an adverse competitive effect on similar facilities  
22 already constructed or operating in Allen County, Indiana, and  
23 the Common Council has also held a hearing and specifically finds  
24 that the project will not have an adverse competitive effect on  
25 similar facilities already constructed or operating in Allen  
26 County, Indiana.

27 SECTION 3. The Common Council further finds, deter-  
28 mines, ratifies and confirms that the issuance and sale of reve-  
29 nue bonds in an amount not to exceed \$2,500,000.00 of the Issuer  
30 under the Act for the acquisition, construction and equipping of  
31 the Project and the sale or leasing of such a financing to the  
32 Applicant for such purposes will serve the public purpose



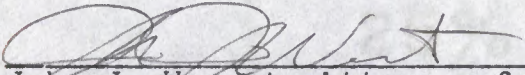
1 referred to above, in accordance with the Act.

2 SECTION 4. In order to induce the Applicant to proceed  
3 with the acquisition, construction and equipping of the Project,  
4 the Common Council hereby finds, determines, ratifies and con-  
5 firms that (i) it will take or cause to be taken such actions  
6 pursuant to the Act as may be required to implement the afore-  
7 said financing, or as it may deem appropriate in pursuance  
8 thereof, provided that all of the foregoing shall be mutually  
9 acceptable to the Issuer and the Applicant; and (ii) it will  
10 adopt such ordinances and resolutions and authorize the execu-  
11 tion and delivery of such instruments and the taking of such  
12 action as may be necessary and advisable for the authorization,  
13 issuance and sale of said economic development bonds.

14 SECTION 5. All costs of the Project incurred after the  
15 passage of this Inducement Resolution, including disbursement or  
16 repayment of the Applicant of monies expended by the Applicant  
17 for planning, engineering, interest paid during construction,  
18 underwriting expenses, attorney and bond counsel fees, acquisi-  
19 tion, construction and equipping of the Project will be per-  
20 mitted to be included as part of the bond issue to finance said  
21 Project, and the Issuer will thereafter either sell or lease the  
22 same to the Applicant or loan the proceeds of such financing to  
23 the Applicant for the same purposes.

24  
25 \_\_\_\_\_  
COUNCILMAN

26 APPROVED AS TO FORM AND  
27 LEGALITY.

28   
29 John J. Wernet, Attorney for the  
Economic Development Commission

30 Dated this 22<sup>d</sup> day of December, 1983  
31  
32



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27 facility at the southwest corner of Lafayette and Superior Streets  
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30 WHEREAS, the diversification of industry and an increase in  
31 4 jobs initially and 7 jobs within three years to be achieved by  
32 acquisition and construction and equipping of the Project will be  
of public benefit to the health, safety and general welfare of the  
Issuer and its citizens; and

WHEREAS, having received the advice of the Fort Wayne Economic  
Development Commission, it would appear that the financing of the



1 Project would be of public benefit to the health, safety and  
2 general welfare of the Issuer and its citizens; and

3 WHEREAS, the acquisition and construction of the faci-  
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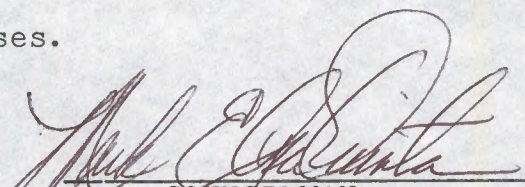
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30 the Project and the sale or leasing of such a financing to the  
31 Applicant for such purposes will serve the public purpose  
32 referred to above, in accordance with the Act.




1           SECTION 4. In order to induce the Applicant to proceed  
2 with the acquisition, construction and equipping of the Project,  
3 the Common Council hereby finds, determines, ratifies and con-  
4 firms that (i) it will take or cause to be taken such actions  
5 pursuant to the Act as may be required to implement the afore-  
6 said financing, or as it may deem appropriate in pursuance  
7 thereof, provided that all of the foregoing shall be mutually  
8 acceptable to the Issuer and the Applicant; and (ii) it will  
9 adopt such ordinances and resolutions and authorize the execu-  
10 tion and delivery of such instruments and the taking of such  
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12 issuance and sale of said economic development bonds.

13           SECTION 5. All costs of the Project incurred after the  
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19 mitted to be included as part of the bond issue to finance said  
20 Project, and the Issuer will thereafter either sell or lease the  
21 same to the Applicant or loan the proceeds of such financing to  
22 the Applicant for the same purposes.

23   
24 COUNCILMAN

25 APPROVED AS TO FORM AND  
26 LEGALITY.

27   
28 John J. Wernet, Attorney for the  
29 Economic Development Commission  
Dated this 12<sup>th</sup> day of Dec, 1983



Read the first time in full and on motion by GioQuinta, seconded by Stu, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 12-13-83

Sandra E. Kennedy  
CITY CLERK

Read the third time in full and on motion by GioQuinta, seconded by Stu, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

|                    | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAINED</u> | <u>ABSENT</u> | <u>TO-WIT:</u> |
|--------------------|-------------|-------------|------------------|---------------|----------------|
| <u>TOTAL VOTES</u> | <u>9</u>    | _____       | _____            | _____         | _____          |
| <u>BRADBURY</u>    | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>BURNS</u>       | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>EISBART</u>     | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>GiaQUINTA</u>   | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>SCHMIDT</u>     | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>SCHOMBURG</u>   | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>SCRUGGS</u>     | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>STIER</u>       | <u>✓</u>    | _____       | _____            | _____         | _____          |
| <u>TALARICO</u>    | <u>✓</u>    | _____       | _____            | _____         | _____          |

DATE: 12-20-83

Sandra E. Kennedy  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. B-127-83  
on the 20th day of December, 1983.

ATTEST:

(SEAL)

Sandra E. Kennedy  
CITY CLERK

Ray A. Ebert  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of December, 1983, at the hour of 10:00 o'clock A. M., E.S.T.

Sandra E. Kennedy  
CITY CLERK

Approved and signed by me this 21st day of Dec. 1983, at the hour of 4 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR



BILL NO. R-83-12-08

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED ~~AN~~  
*a Resolution*  
~~ORDINANCE~~ FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION  
OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE  
AND SALE OF \$2,500,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT  
WAYNE, INDIANA, FOR THE PURPOSE OF INDUCING THE APPLICANT, FORT WAYNE  
ORTHOPAEDICS P.C. TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND  
EQUIPPING OF THE PROJECT

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

*Mark E. GiaQuinta*

JAMES S. STIER, VICE CHAIRMAN

*James S. Stier*

JANET G. BRADBURY

*Janet G. Bradbury*

SAMUEL J. TALARICO

*Samuel J. Talarico*

DONALD J. SCHMIDT

*D. Schmidt*

*Consensus  
12-20-83*

*Sandra E. Kennedy*